

PEMRA Electronic Media Code Of Conduct 2015

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GOVERNMENT OF PAKISTAN
MINISTRY OF INFORMATION, BROADCASTING AND NATIONAL
HERITAGE

Islamabad, the 19th August, 2015.

NOTIFICATION

S.R.O. No. 1(2)/2012-PEMRA-COC.- In exercise of the powers conferred by sub-section (1) of Section – 39 of the Pakistan Electronic Media Regulatory Authority (Amendment) Act – 2007, the Federal Government, in pursuance of its earlier Notification No. 1(2)/2012-PEMRA-COC dated 9th May – 2014, is pleased to notify Electronic Media Code of Conduct – 2015 that shall replace the existing Code of Conduct for Media Broadcasters and Cable TV Operators (Schedule – A) of Pakistan Electronic Media Regulatory Authority Rules – 2009.

“Schedule-A

[See Rule - 2(1)(f) and 15(1)]

ELECTRONIC MEDIA CODE OF CONDUCT - 2015

1. Short title and commencement :- (1) This Code may be called the Electronic Media (Programmes and Advertisements) Code of Conduct, 2015.

(2) It shall come into force at once.

2. Definitions:- (1) Unless there is anything repugnant in the subject or context,-

- (a) aspersion means “spread false and harmful charges against someone; attack the reputation of a person with harmful allegations”. However, a fair comment does not mean aspersion.
- (b) “content” includes programmes and advertisements;

- (c) “conflict zone” means the area where law enforcement agencies or armed forces are employed for operation to maintain writ of the state;
- (d) “current affairs programme” means a programme that contains explanation and analysis of current events and issues;
- (e) “footage” includes material telecasted by a broadcaster;
- (f) “foreign content” means a content that is produced under direct or indirect creative control of foreigners, foreign companies or foreign broadcasters;
- (g) “foreigner” shall have the same meanings as assigned to it under the Foreigners Act, 1946 (XXXI of 1946) or any other law for the time being in force;
- (h) “indecent” shall have the same meanings as assigned to it in the Indecent Advertisements Prohibition Act, 1963 (XII of 1963) or any other law for the time being in force;
- (i) “Ordinance” means Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002);
- (j) “propaganda” means dissemination of any doctrine, rumour or selective information to promote one sided views on any controversial issue, except in public interest, and of public importance.
- (k) “proscribed organization” shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force;
- (l) “sectarian” shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force;
- (m) “smoking” shall have the same meaning as assigned to it under the Prohibition of Smoking and Protection of Non-Smokers Health

Ordinance, 2002 (LXXIV of 2002) or any other law for the time being in force;

- (n) “terrorism” shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 or any other law for the time being in force; and
- (o) “terrorist” shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997.

(2) Words and expressions used but not defined herein shall, unless the context otherwise requires, have the same meanings assigned to them in the Ordinance, the rules and regulations made thereunder.

3. Fundamental principles:- The licensee shall ensure that :-

- (1) No content is aired which–
 - (a) is against the Islamic values, ideology of Pakistan or founding fathers of the nation including Quaid-e-Azam and Dr. Allama Muhammad Iqbal;
 - (b) incites or condones dislodgement of democratic setup against the command of the constitution of Pakistan, provided that discussions on improvement of democracy shall constitute a fair comment.
 - (c) includes a call to arms against the Federation of Pakistan or anything against the integrity, security and defense of Pakistan;
 - (d) passes derogatory remarks about any religion, sect, community or uses visuals or words contemptuous of religious sects and ethnic groups or which promote communal and sectarian attitude or disharmony;
 - (e) contains anything indecent, obscene or pornographic.
 - (f) contains abusive comment that incites hatred and contempt against any individual or group of persons, on the basis of race, caste, nationality, ethnic or linguistic origin, color, religion, sect, gender, age, mental or physical disability;

- (g) is in violation of copyrights or other related property rights as protected under any law for the time being in force;
- (h) is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;
- (i) is known to be false; or there exist sufficient reasons to believe that the same may be false beyond a reasonable doubt;
- (j) contains aspersions against the judiciary or armed forces of Pakistan;
- (k) amounts to intimidation, blackmail or false incrimination of any person;
- (l) is defamatory as defined in the law for the time being in force; or
- (m) depicts behaviour such as smoking, alcohol consumption, narcotics and drug abuse as glamorous or desirable:

Provided that where showing of smoking, alcohol consumption, narcotics and drug use is necessary for dramatic or educational purposes, a clear warning as to injurious effects of the same shall also be shown simultaneously.

(2) Without prejudice to any other restrictions in this regard, while reporting the proceedings of the Parliament or a Provincial Assembly, such portion of the proceedings as the Chairman of Senate, the Speaker of National Assembly or, as the case may be, Speaker of the Provincial Assembly may have ordered to be expunged, shall not be broadcast or distributed and every effort shall be made to release a fair account of the proceedings.

(3) Statements of proscribed organizations or their representatives or members shall not be aired unless such statement is an admission which maybe in the larger public interest for exposing ideology, abuse of religion or barbarianism provided always that such broadcast does not in any way

aid, abet, glorify or give excuse to their means and ways in any shape or form.

(4) Private behavior, information, correspondence and conversation should not be brought into public domain unless there is a public interest that outweighs the protection of privacy.

4. News and current affairs programmes:- The licensee shall ensure that :-

(1) News, current affairs or documentary programmes shall present information in an accurate and fair manner.

(2) Any political or analytical programme, whether in the form of a talk show or otherwise, shall be conducted in an objective manner ensuring representation of the concerned parties and the guests shall be treated with due respect.

(3) Programmes on sub-judice matters may be aired in informative manner and shall be handled objectively:

Provided that no content shall be aired, which tends to prejudice the determination by a court, tribunal or any other judicial or quasi-judicial forum.

(4) News shall be clearly distinguished from commentary, opinion and analysis.

(5) Unnecessary details and footages of gory scenes including bloodshed and dead bodies shall not be aired.

(6) Content based on extracts of court proceedings, police records and other sources shall be fair and correct.

(7) In talk shows or other similar programmes, the licensee and its employees shall ensure that :-

(a) information being provided is not false, distorted, or misleading and relevant facts are not suppressed for commercial, institutional or other special interests;

- (b) the programme is conducted in an objective and unbiased manner;
- (c) programme does not debase or demean a person or group of persons;
- (d) does not intrude into private life, grief or distress of individuals unless such individual is a public figure and such intrusion is justified in the public interest.

(8) Any personal interest of a reporter or presenter which may call into question due impartiality of the programme shall be disclosed prior to airing of the programme through an appropriate disclaimer.

(9) News or any other programme shall not be aired in a manner that is likely to jeopardize any ongoing inquiry, investigation or trial.

(10) **Editorial oversight:** The licensee shall ensure that its representatives, hosts and producers of the programme shall discuss and review the contents of the programme prior to programme going on air / being recorded, and ensure that its contents conform to, in letter and spirit, this Code of Conduct.

5. Programming mix and live coverage:- No licensee shall broadcast any live programme unless there is an effective delaying mechanism put in place in order to ensure effective monitoring and editorial control in conformity with this Code.

6. Conflict of interest:- The Licensee shall ensure that all those responsible for content development do not take prior advantage of information gained in the course of their professional duties for private gain, including but not limited to programs relating to stock market and financial matters.

7. Plagiarism:- The licensee shall ensure that :-

(1) Its functionaries, particularly those who are responsible for content design do not indulge in plagiarism and where content is borrowed from another source, appropriate credit shall be given to such source.

(2) In all programmes where facts and figures are referred to, the source thereof should be quoted for the purpose of credibility of

programmes. In case of no known source, appropriate clarification shall be made by the hosts.

8. Coverage of incidents of accidents, violence and crime:- The licensee shall ensure that :-

(1) Coverage of incidents of accidents, violence and crime shall not incite, glamorize or in any way promote violence or anti-social behavior and such coverage does not prejudice the success of an ongoing security operation.

(2) Appropriate warning shall be given upfront for content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.

(3) Scenes with violence or suffering such as close-up shots of persons brutally tortured or killed shall not be shown.

(4) reporting of incidents of crime, accident, natural disaster or violence does not create hurdles in dispensation of the duties of the law enforcement agencies, rescue agencies, hospitals and doctors, etc.

(5) Extreme caution shall be exercised in handling themes, plots or scenes that depict sex offence and violence, including rape and other sexual assaults.

(6) Identity of any victim of rape, sexual abuse, terrorism or kidnapping or such victim's family shall not be revealed without prior permission of the victim or victim's guardian where victim is a minor.

(7) During any ongoing rescue or security operation, identity and number of victims or other important information shall not be revealed unless the same is warranted by the rescue or security agency incharge of the operation.

(8) there is no live coverage of any ongoing security operation by the law enforcement agencies and licensee shall air only such information as may be warranted by the security agency incharge of the operation.

(9) Licensee shall not air head money or bounty other than announced by the competent authority.

(10) Licensee shall ensure that coverage of the activities in conflict zone are carried out in accordance with the guidelines issued by the concerned law enforcement agencies.

(11) Licensee shall not air speculative or biased reporting that may compromise any security operation.

(12) Licensee shall ensure that any of its reporter, camera man or other crew does not enter the area where security operation is being carried out without prior permission of the security agency incharge of the operation.

(13) Licensee shall provide necessary protection gear and training to its reporters, cameramen and other crew deployed for coverage of any crime incident or conflict zone.

9. Re-enactment:- (1) Dramatic re-enactment shall ensure same rigors as required for a factual programme reporting crime.

(2) Re-enactment of any sex crime shall not be allowed.

(3) Standards in respect of entertainment programmes, relating to obscenity and gory scenes shall apply to such re-enactment also.

10. Religious tolerance and harmony:- Licensee shall ensure that :-

(1) the programmes aired by it do not contain any derogatory statement or visual which is likely to lead to bias, hatred or disharmony with reference to any religion, sect, community or ethnic group.

(2) beliefs and practices of any faith are described accurately when discussed and interfaith harmony is promoted at all times.

(3) no programme or comment is aired which incites or condones acts of violence and encourages violation of law in the name of religion, sect, community or ethnic group or any other pretext.

11. Privacy and personal data protection:- The licensee shall ensure that :-

(1) Door stepping for factual programmes does not take place unless a request for an interview has been refused and door stepping is warranted by identifiable public interest.

Explanation:- Door stepping means the filming or recording of an interview or attempted interview with someone or announcing that a call is being filmed or recorded for broadcast purposes without any prior warning.

(2) no interviews are conducted or attempted to be conducted without consent of the interviewee, save in public interest.

12. Protection of children:- (1) Programmes and advertisements meant for children shall not—

(a) be presented in a manner which may be disturbing or distressing to children or which may in any way adversely affect their general well being;

(b) be frightening or contain violence; or

(c) be deceptive or misleading or against commonly accepted social values;

(2) The licensee shall include appropriate warning through a disclaimer before airing any content that may not be suitable for children.

(3) Due care must be taken over the physical and emotional welfare and the dignity of persons under eighteen years of age who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen years in loco parentis.

13. Language:- The licensee shall ensure that :-

(1) Content shall maintain proper standards of language.

(2) Abusive or vulgar language shall be prohibited.

(3) If an abuse takes place that contains language or gesture that is considered apology worthy by the licensee and its representative, the representative must ask the guest to apologize immediately after the offense has taken place.

14. Advertisements:- It would be responsibility of the Licensee that :-

(1) Advertisements shall be in conformity with the laws for the time being in force.

(2) Advertisements intended for children shall not directly ask the children to buy the product.

(3) Advertisements shall not promote obscenity, violence or other activities harmful to human health or property.

(4) Advertisements of any alcoholic beverages, tobacco products, illegal drugs or narcotics shall not be aired.

(5) Any health related advertisement shall not be aired without prior permission of the Federal Government or Provincial Government, as the case may be, as required under the relevant applicable laws and the advertisement so aired after obtaining necessary permission shall strictly comply with the terms and conditions of the permission.

(6) Advertisements of lotteries, gambling or betting as prohibited under Pakistan Penal Code (Act XLV of 1860) or any other law for the time being in force shall not be aired.

(7) A licensee shall not advertise or promote black magic, quackery or superstition.

(8) Exploitation of religious or nationalistic sentiments and use of religious or national symbols and anthem purely for the purposes of promotion of a product or any quality in such product shall be prohibited.

(9) Advertisements shall be readily recognizable as such and kept separate from programmes.

(10) Advertisements in the form of subtitles, logos or sliding texts shall not exceed a maximum of one tenth of the whole screen.

(11) Advertisements relating to telemarketing, teleshopping or other offers to make phone calls shall conspicuously identify the applicable charges inclusive of all taxes.

15. Responsibility for advertising:- (1) Licensee shall be held liable for airing of illegal or prohibited advertisements.

(2) A sponsor, advertiser or other authority shall not influence the content of a programme in such a way as to impair the responsibility and editorial independence of the broadcaster.

16. Programmes and advertisements to comply with the local laws:-
Licensee shall ensure that :-

(1) Programmes and advertisements comply with the laws for the time being in force.

(2) Where prior permission for airing of any advertisement or programme is required to be obtained under any law, such advertisement or programme shall not be aired unless requisite prior permission has been obtained.

17. Monitoring committee:- Licensee shall comply with this Code and appoint an in-house monitoring committee under intimation to the PEMRA to ensure compliance of the Code.

18. Errors and corrigendum:- Where any false news or information is aired, the licensee shall acknowledge and correct it on the same medium without any delay in the same manner and magnitude as that of the false news or information was aired. The corrigendum shall be aired at appropriate time.

19. Facts and opinion:- The licensee shall ensure that :-

(1) If during a talk show or news show a guest makes or asserts an opinion that is presented as a fact, on a serious issue, the channel and or its

representative must intervene and protect the audience by clarifying this is an opinion and not a fact.

(2) If the host / moderator is giving his or her own opinion, he or she must also clarify that this is a personal opinion and not a fact.

20. Responsibility for compliance and training of employees:- (1) It shall remain the sole responsibility of the Licensee to ensure that the content aired by it complies with the Code.

(2) Licensee shall arrange for regular training of its employees that may be helpful in performing their duties better.

21. Public interest:- A programme may be considered in the public interest if it:

- (i) exposes or detects crime;
- (ii) exposes significant anti-social behavior;
- (iii) exposes corruption or injustice;
- (iv) protects people's health and safety;
- (v) prevents people from being misled by any statement or an individual or organization; or
- (vi) discloses information that assists people to better comprehend or make decisions on matters of public importance.

22. Airing of any allegations etc:- (1) Licensee shall not air any allegation against any person or organization unless the licensee has credible information justifying such allegation and a fair opportunity to defend such allegation has been provided to the person or organization against whom allegation is being levelled.

(2) Where a serious allegation has been made by a guest and the accused is not available despite reasonable effort, the licensee shall adhere to the principle of innocent unless proven guilty, and the channel's representatives will, to the best of their ability, represent the accused point of view and defense.

(3) Licensee shall ensure that reasonable opportunity of defense and reply is provided to any person or organization against any allegation leveled against such person or organization.

(4) With regard to serious accusations, the licensee shall not allow any deceptive or misleading mode or manner to portray any material as evidence of wrongdoing or that which is otherwise not evidence at all.

23. Hate speech:- (1) Licensee shall ensure that hate speech by any of its employees or any guest in a programme is not aired.

(2) The licensee shall not relay allegations that fall within the spectrum of hate speech, including calling someone anti-Pakistan, traitor, or anti-Islam.

(3) Where hate speech is resorted to by any guest, the channel and its representative must stop the participant and remind him and the audience that no one has the authority to declare any other citizen as a Kafir or enemy of Pakistan, Islam or any other religion.

Explanation:- Hate speech includes any expression that may incite violence, hatred or discrimination on the basis of religion, ethnicity, colour, race, gender, origin, caste, mental or physical disability.

24. Standards of behavior:- (1) This Code presents the standards to be complied with by all the licensees and it shall always be the sole responsibility of the licensee to ensure the content aired by it is in compliance with the Code of Conduct.

(2) This Code represents an affirmative declaration of understanding and compliance with basic values and objectives that licensees, including its employees and officials shall adhere to, and these shall be observed in letter and spirit.

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